

1 PHILLIP A. TALBERT
United States Attorney
2 MATTHEW W. PILE
Associate General Counsel
3 Social Security Administration
4 ERIN F. HIGHLAND, GA 153550
Special Assistant United States Attorney
5 Office of Program Litigation, Office 7
6 Office of the General Counsel
7 Social Security Administration
6401 Security Boulevard
8 Baltimore, MD 21235
9 Telephone: (206) 615-2495
Email: erin.highland@ssa.gov
10 Attorneys for Defendant

11 Sherianne Laba (SBN: 204247)
12 Osterhout Berger Daley, LLC
13 521 Cedar Way, Suite 200
Oakmont, PA 15139
14 Phone: (412) 794-8003
15 Fax: (412) 794-8050
Email: slaba@obl.law
16 Attorney for Plaintiff, Amber Dale Hayes

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18 UNITED STATES DISTRICT COURT
19 FOR THE EASTERN DISTRICT OF CALIFORNIA
20 SACRAMENTO DIVISION

21 AMBER DALE HAYES,

22 Plaintiff,

23 v.

24 MARTIN J. O'MALLEY,
25 Commissioner of Social Security,

26 Defendant.
27
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Case No. 2:24-cv-00123-AC

STIPULATION AND [~~PROPOSED~~]
ORDER FOR THE AWARD OF
ATTORNEY FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT (EAJA)
28 U.S.C. § 2412(d)

1 TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF THE
2 UNITED STATES DISTRICT COURT:

3 The Parties through their undersigned counsel, subject to the Court's approval,
4 stipulate that Plaintiff be awarded attorney fees in the amount of ONE THOUSAND,
5 THREE HUNDRED THIRTY-SEVEN DOLLARS and 21/100 (\$1,337.21) under the
6 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents
7 compensation for all legal services rendered on behalf of Plaintiff by counsel in
8 connection with this civil action, in accordance with 28 U.S.C. § 2412(d). Plaintiff attests
9 her net worth has not exceeded, \$2,000,000.00, at the time of the filing of this civil action
10 nor at the present.

11 After the Court issues an order for EAJA fees to Plaintiff, the government will
12 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue*
13 *v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor
14 the assignment will depend on whether the fees are subject to any offset allowed under
15 the United States Department of the Treasury's Offset Program. After the order for EAJA
16 fees is entered, the government will determine whether they are subject to any offset.

17 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
18 determines that Plaintiff does not owe a federal debt, then the government shall cause the
19 payment of fees, expenses and costs to be made directly to counsel, pursuant to the
20 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's
21 counsel, Sherianne Laba, at 521 Cedar Way, Suite 200, Oakmont, Pennsylvania 15139.
22

23 This stipulation constitutes a compromise settlement of Plaintiff's request for
24 EAJA fees, and does not constitute an admission of liability on the part of Defendant
25 under the EAJA. Payment of ONE THOUSAND, THREE HUNDRED THIRTY-
26 SEVEN DOLLARS and 21/100 (\$1,337.21) in EAJA attorney fees. These payments shall
27 constitute a complete release from, and bar to, any and all claims that Plaintiff and
28

1 Plaintiff's attorney, Sherianne Laba, may have relating to EAJA attorney fees in
2 connection with this action.

3 This award is without prejudice to the rights of Plaintiff's attorney to seek Social
4 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
5 provisions of the EAJA.

6 Respectfully submitted,

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8 Dated: June 14, 2024

/s/ Sherianne Laba
SHERIANNE LABA, ESQUIRE
Attorney for Plaintiff, Amber Dale Hayes

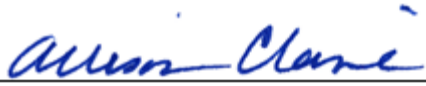
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11 Dated: June 14, 2024

PHILLIP A. TALBERT
Acting United States Attorney
MATTHEW W. PILE
Associate General Counsel
Social Security Administration

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15 By: /s/ Erin Highland*
ERIN HIGHLAND, ESQUIRE
Special Assistant U.S. Attorney
Attorneys for Defendant
16 (*Permission to use electronic signature
17 obtained via email on June 6, 2024).
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21 IT IS SO ORDERED:

22
23 DATE: June 14, 2024

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25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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